

REMARKS

In the First Office Action after RCE, Claims 1-31 were once again rejected. As in the prior Final Office Action, Claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 6,260,049) in view of Pinsky et al. (U.S. Patent No. 5,513,101) for substantially the same reasons given in the Final Office Action. However, the examiner also cited a new reference to support the rejection under 35 U.S.C. §103(a). The new reference is a web publication, dated August 13, 1997, reviewing a radiology training CD-ROM product entitled “Fundamentals of Radiology CD-ROM from the Radiology Department of Dalhousie University” by Cupido Daniels (hereinafter “Cupido”). Applicant discussed these rejections with the examiners in the August 15 Conference Call, and applicant respectfully traverses this rejection with respect to Claims 1-28, as amended, in view of the following arguments. Applicant has agreed to cancel Claims 29-31.

Based on the August 15 Conference Call with the examiners, the examiners’ rejection of Claims 1, 15, 16 and 17 continues to be primarily based on the disclosure in Fitzgerald. The examiners once again focused the discussion on the embodiment described in Figure 42 (see Fitzgerald; Col. 23, ll. 1-50).

As discussed with the examiners, the applicant submits that Fitzgerald does not teach or disclose the “master folder” element as described in Claims 1, 15, 16 and 17. As discussed in both the December 14 Conference Call and the August 15 Conference Call and further described below, Fitzgerald discloses the use of a folder interface that is “scanned” from the patient’s original manual master folder. More specifically, Fitzgerald discloses the use of a flatbed image scanner 682 to scan a patient’s manual folder contents in order to create electronic file records in order to track and respond to multiple file requests. (See Col. 23). As shown in Figure 42, the

scanner is used to “scan pages of documents into the computer system, so that they may be provided to the requesting department in electronic form or printed out in paper form”. (See Col. 23, ll. 23-27).

In contrast, Claims 1, 15, 16 and 17 recite that the present invention generates the digital graphical representation of the patient’s manual master folder electronically by a specialized software application. Also, data fields are included within such digital graphical representation which include hyperlinks to provide for the viewing of additional information and images. The “scanned” folder interface disclosed in Fitzgerald does not include such features.

As discussed in the August 15 Conference Call, the applicant amended the claims of the application in response to the December 14 Conference Call in an attempt to further clarify that the present invention “generates” the digital graphical representation of the patient’s manual master folder electronically. The examiners, however, questioned whether the term “generating” was sufficiently limiting to avoid the “scanning” process disclosed in Fitzgerald.. In response to such concerns and upon the recommendation of the examiners, the applicant has further amended Claims 1, 15, 16 and 17 to provide that the step of “generating” the digital graphical representation of the patient’s manual master folder by the present invention is performed electronically “by a specialized software application”. Applicant submits that such amendment is supported by the specification and drawings in the application.

Also discussed on the August 15 Conference Call is a second distinction of the present invention from Fitzgerald. In Fitzgerald, the feature of “scanning” certain selective portions of a patient’s file materials is described as a “supplement” to the manual patient file to permit multiple departments to review a patient’s file materials. (See Col. 23, ll. 12-17). In contrast, the applicant's invention is intended as a complete substitute for existing manual patient file

records. Claims 1, 15, 16 and 17 have been further amended to further recite that the present invention is intended to facilitate electronic access to records and information relating to all radiology procedures associated with a patient, and such amendments are supported by the specification and original claims. See original Claims 15 and 16.

In the August 15 Conference Call, the examiners suggested that the amendment of such claims to address such distinctions should be sufficient to overcome the Fitzgerald reference.

The final issue addressed in the August 15 Conference Call were certain potential 35 U.S.C. §101 and 35 U.S.C. §112 objections to Claims 29, 30 and 31. In response to the discussion of such objections, the applicant cancels Claims 29, 30 and 31.

Accordingly, applicant respectfully submits that Claims 1-28, as amended, are patentable over Fitzgerald, Pinsky and Cupido either alone or in combination and the rejections under 35 U.S.C. §103(a) should be withdrawn.

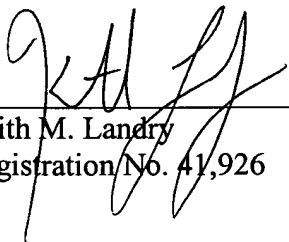
CONCLUSION

Favorable action and allowance of the application as now presented is respectfully requested.

Respectfully submitted,

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